

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , MARCH 12 , 1991

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING March 12 , 19 91 ,
IN Regular SESSION. PRESIDENT Samuel J. Talarico
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS _____ VIZ:

BRADBURY <u>✓</u>	BURNS <u>✓</u>	EDMONDS <u>A</u>
GIAQUINTA <u>✓</u>	HENRY <u>✓</u>	LONG <u>✓</u>
REDD <u>✓</u>	SCHMIDT <u>✓</u>	TALARICO <u>✓</u>

ABSENT: 1

COUNCILMEMBER: Edmonds

THE MINUTES OF THE LAST REGULAR February 26 , 19 91

SPECIAL _____ , 19

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 12th day of March, 1991, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 18th day of March, 1991.

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

26 February 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated street.

The proposed ordinance is designated as:

BILL NO. G-91-01-37

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of February 1991.

Robert Hutner
Secretary

FACT SHEET

G-91-01-37

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Vacation Ordinance

DETAILS**Specific Location and/or Address**

Wabash Avenue from Wayne Trace north to a point 1 foot south of the railroad tracks.

Reason for Project

Expansion and renovation of Tokheim's plant facilities.

Discussion (Including relationship to other Council actions)

28 January 1991 - Public Hearing

(See Attached Minutes of Meeting)

4 February 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendaiton contingent upon the petitioner satisfying the following conditions:

1) Provide utility easements or relocations as needed.

2) Provide a recorded ingress/egress easement to allow traffic crossing the railroad to have a safe turn-around location. The method employed should meet the applicable requirements of Street Engineering and Traffic Engineering and be in a location acceptable to Community & Economic Development.

Of the six (6) members present, five (5) voted for the motion, one (1) did not vote.

Motion Carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Tokheim Corporation

City Department

Other

Opponents**Groups or Individuals****Basis of Opposition****Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS**
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY / PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 18 December 1990

Projected Completion or Occupancy

Date 26 February 1991

Fact Sheet Prepared by
Patricia Biancaniello

Date 26 February 1991

Reviewed by

Date 3-4-91

Larry Maglin 3.

Reference or Case Number

- b. Bill No. G-91-01-37 - Vacation Petition #455
Wabash Avenue from one foot south of the southern right
of way of the Norfolk and Western railroad to the north
boundary of Wayne Trace.

Larry Shine, attorney, for the petitioners Tokheim Corporation, along with Myron Marsh, Vice-President of Human Resources for Tokheim Associates appeared before the Commission. Mr. Shine stated that Tokheim plans to expand its facilities includes the construction of a finishing and shipping operation which will connect to existing buildings that are currently on the site. He stated that Tokheim is relocating its Newbern, Tennessee operation back to Fort Wayne along with the prospects of 250 to 300 jobs. He stated that they have been working with the city and the various utility providers, and although they have not come to a final agreement with the water department, apparently the other utilities have reached an agreement with them as to where the easements should be relocated. He stated that the staff has requested that they provide an ingress and egress easement at the north point of the vacation. He stated this would enable the public who come down Wabash from the North to the South to have a means of turning around and going back North. He stated they have no problem with that, in fact their plans contemplated that need. He stated that they have been working with the city to provide a configuration that would be acceptable. He stated that they have also been working with the Landscape Architect for the City, Tom Cain, with regard to the landscaping of the area where the easement would be dedicated. He stated that this is a substantial investment by Tokheim and they feel it meets the Central Districts goals of connecting to an area and reinvestment. He stated that they did come to the Commission 5 years ago requesting a vacation, but at that time they wanted to build its corporate headquarters at the Wabash Avenue location. He stated however that they did not do so because the corporate headquarters were funded with city of Fort Wayne Economic Development Revenue Bonds and the capital expenditure limitations on that type of financing prevented them from building that significant of a structure at this location.

Mel Smith questioned what route the truck traffic would be taking.

Myron Marsh stated that currently they have truck loading docks off of Wayne Trace and also off of Fletcher Avenue. He stated that in addition with this concept they would be loading some trucks with finished products off of where Wabash Avenue would be vacated and coming back out onto Wayne Trace.

Mark Gensic questioned who would be doing the design on the parking lot and the internal road.

Mr. Marsh stated that he was not sure who the plant engineer had talked to.

Mark Gensic questioned if they have come to accept the drainage situation and are they willing to handle their own internal drainage associated with the parking lots.

Mr. Marsh stated that he was unable to answer because he was not aware of what the engineers have been working on in that area.

Mark Gensic stated that the reason he was asking is that Wabash Avenue does drain now. He stated though that there are those storms that are of such a magnitude that you experience some standing water. He stated that the same situation will be inherent with their parking lot and internal roads and it is something they will have to deal with. He stated that they would either have to live with that or consider some kind of invention or put their own pump station in. He stated that because of the nature of that area and how far it is from an outlet, be it a river or a channel, there is a problem there that would be extremely expensive to solve with a gravity sewer line.

The resident of 1520 Wabash Avenue appeared before the Commission. She stated that hers is the only residence that is near Tokheim. She stated that the school bus picks up her children and if the street is closed they will have no means of turning around.

Mr. Shine stated that is the purpose for the access easement, to provide a turn around for public traffic.

The resident also asked if Tokheim would be providing a means for the people north of the tracks on Wabash to get to Wayne Trace without going out and around by two or three blocks, in order to get the city bus which stops on Wayne Trace.

Mr. Marsh stated that they have no proposed pedestrian access through their complex. He stated that for security reasons they would not have the area open to public access.

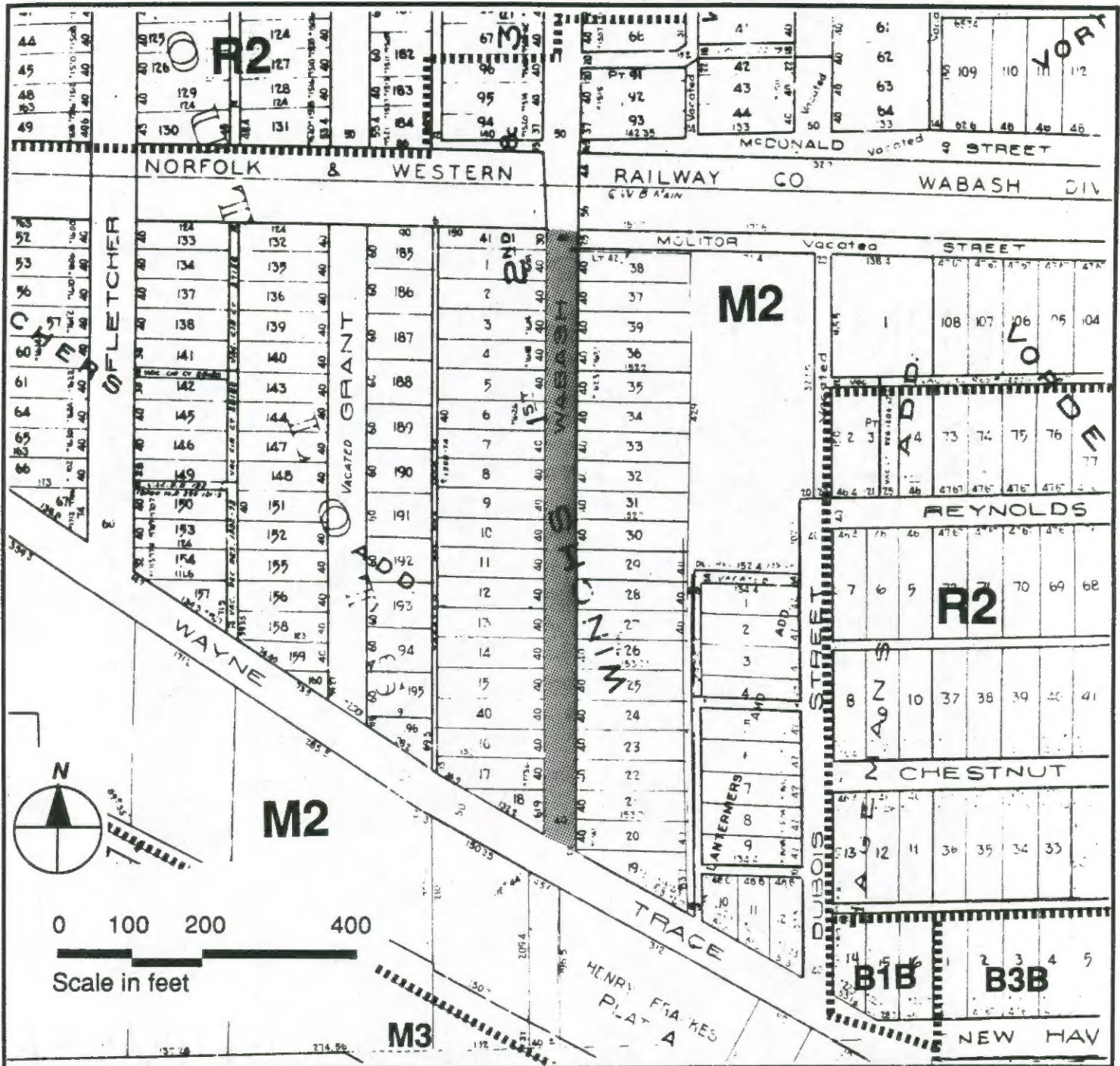
Mel Smith stated that the applicants, if this vacation is approved, need to be sure that the easement provided would be wide enough to accommodate vehicles such as a school bus.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

VACATION PETITION

AREA MAP

CASE NO. #455



Tokheim Corporation and Tokheim Athletic Association request the vacation of a portion of Wabash Avenue.

Location: Wabash Avenue from Wayne Trace north to a point 1 foot south of the railroad tracks.

Legal: See file

Land Area: Approximately 1.1 acres

Zoning: This area is zoned M-2

Surroundings:	North	M2/R2	Industrial/Residential
	South	M-2	Industrial/Commercial
	East	M-2	Tokheim
	West	M-2	Tokheim

Reason for Request: Expansion and renovation of plant facilities.

Neighborhood Assoc.: Eastside Community Association

Neighborhood Plan: While this proposed vacation lies adjacent to one of the City's Neighborhood Strategy Areas (Memorial Park), the neighborhood planning staff has no comment.

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Central Area. There are three main goals in the Central Area: (1) to maintain existing development, (2) to halt deterioration, and (3) to encourage reinvestment.

The vacation of this portion of Wabash Ave. would encourage reinvestments in this area.

Landscape: Recommend provision of publicly accessible cul-de-sac at new south terminus of Wabash Ave.

Planning Staff Discussion:

Tokheim Corporation submitted a similar petition in November of 1985. That petition received a recommendation of "Conditional

Approval" from the Plan Commission, contingent upon the petitioners providing utility easements or relocations as needed and addressing the traffic considerations at the northern end of the petitioned area. Since that date there has been significant internal reorganization within the company, delaying any decisions regarding their facilities. It was only recently that they finalized their plans for corporate facilities at this site.

Currently Wabash Avenue serves as a means for residents to the north to cross the railroad and gain access to Wayne Trace. It also permits industrial traffic to travel through the residential neighborhood. However, it appears that the primary users are the Tokheim employees and associated vehicles. There is one non-residential use located to the north of the railroad tracks which may be impacted by the vacation.

The planning staff is generally in favor of this street vacation as it would limit the exposure of the residential area to non-residential traffic. Further, the proposed renovation and expansion would create a development that would better compliment the entire area.

The petitioner will need to provide utility easements or relocations as needed. That matter has been discussed with them in pre-submittal meetings, and they had no objection. The only other concern is the need to provide some type of limited access easement so that vehicles crossing the tracks from the north may either access another street or a turn-around location. One of the businesses located to the north is interested in maintaining an access to Wayne Trace, and has suggested that maybe a street could be developed along the railroad tracks to Fletcher Street.

Recommendation: Conditional Approval, contingent upon the petitioner satisfying the following:

- 1) Provide utility easements or relocations as needed.
- 2) Provide a recorded ingress/egress easement to allow traffic crossing the railroad to have a safe turn-around location. The method employed should meet the applicable requirements of Street Engineering and Traffic Engineering and be in a location acceptable to Community & Economic Development.

RESOLUTION 79-5-5

WHEREAS, TOKHEIM CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

Wabash Avenue from one (1) foot South of the Southern right-of-way of the Norfolk and Western Railroad to the North boundary of Wayne Trace in Fort Wayne, Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held 2-27-91 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 27 DAY OF February 1991

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Michael McAlexander
Director of Public Safety

Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, TOKHEIM CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

Wabash Avenue from one (1) foot South of the Southern right-of-way of the Norfolk and Western Railroad to the North boundary of Wayne Trace in Fort Wayne, Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on January 28, 1991 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right-of-way.

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right-of-way in Allen County, Indiana.

STATE OF INDIANA)) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held FEBRUARY 4, 1991, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 26TH DAY OF FEBRUARY 1991

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary